

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Fiji Funding

Plaintiff,

-v-

Streamline System Designs, Inc. and Brian Thomas Armstrong,

Defendants.

Case No.

**NOTICE OF REMOVAL**

**TO: UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §1332, 1441 and 1446, and in accordance with Local Rule 81.1, Defendants<sup>1</sup>, Streamline Integration and Brian Thomas Armstrong, by and through the undersigned counsel, hereby remove this action from the Supreme Court of the State of New York, County of Sullivan, to the United States District Court for the Southern District of New York. In support of this Notice of Removal, Defendants state as follows:

**FACTUAL BACKGROUND**

1. On or about August 4, 2022, Plaintiff filed a Summons and Complaint against Defendants in the Supreme Court of The State of New York, County of Sullivan captioned *Fiji Funding v. Streamline System Designs, Inc., et al.*, Index No. 2022-1474 (“State Action”). True and correct copies of the Summons, Complaint, affirmation of service and related documents filed are attached hereto as **Exhibit A**.

2. A copy of the Docket of the State Action is attached hereto as **Exhibit B**.

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<sup>1</sup> Plaintiff has named “Streamline System Designs, Inc.” as a defendant in this action. Streamline System Designs underwent a name change on May 19, 2020, and now operates as Streamline Integration. *See Exhibit E*.

**REMOVAL IS TIMELY AND PROPER**

3. 28 U.S.C. § 1446(b)(1) provides that the Notice of Removal is timely if served within thirty (30) days after receipt by the Defendant.

4. This matter was filed with the court of August 4, 2022, and per the documents on the docket, it was served via priority mail Defendants on August 5, 2022. Therefore, the removal is timely.

5. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

6. As required by 28 U.S.C. § 1441, Defendants seek to remove this case to the United States District Court for the Southern District of New York, which is the District Court embracing the place where the State Court Action has been filed.

**BASIS FOR REMOVAL – DIVERSITY**

7. Pursuant to 28 U.S.C. § 1332(a), a defendant may remove any action where there is complete diversity between Plaintiff and Defendants.

8. Plaintiff, Fiji Funding is a New Jersey business, with a registered address in New Jersey.<sup>2</sup> **Exhibit C** and **Exhibit A**, ¶ 1, and Exhibit to Complaint.

9. Defendants Streamline Integration is a citizen of California. The business is registered in California with its principal place of business also located in California. *See* 28 U.S.C. § 1332(c)(1) (for diversity purposes, “[a] corporation shall be deemed a citizen of any State by

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<sup>2</sup> All available addresses for Plaintiff’s business are located in New Jersey, however, it is unclear, based on information available, which of these addresses is Plaintiff’s principal place of business.

which it has been incorporated and of the State where it has its principal place of business")

**Exhibit D and Exhibit A**, Summons and Compl. ¶ 2.

10. Defendant Brian Thomas Armstrong is a resident of California. *See* Ex. A, Summons and Compl. ¶ 3.

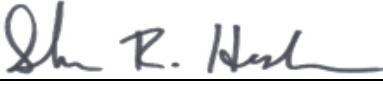
11. As the above demonstrates, the Action is between citizens of different states and there is complete diversity for purposes of 28 U.S.C. §§ 1332 and 1441.

**WHEREFORE**, Removing Defendants respectfully request that the action presently pending in the Supreme Court of the State of New York, Sullivan County, be removed to the United States District Court for the Southern District of New York.

Date: September 2, 2022

Respectfully submitted,

**WHITE AND WILLIAMS LLP**

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*Attorneys for Defendants*

A copy of the notice of removal will be sent to:  
To: Law Offices of Isaac H. Greenfield, PLLC  
2 Executive Blvd, Ste 305  
Suffern, NY 10501  
*Attorneys for Plaintiff*

Clerk  
Supreme Court, County of Sullivan  
414 Broadway  
Monticello, NY 12701